

United States District Court
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

REDACTED

Criminal Complaint
Case No. 05 - 151M

JOHN DOE, a/k/a
Amilcar Almodovar Colmenero

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about May 21, 2004 in New Castle County, in the District of Delaware, defendant did knowingly present a materially false application for a U.S. passport,

in violation of Title 15, United States Code, Section 1542.

I further state that I am a(n) Special Agent, Diplomatic Security Service, DOS and that this complaint is based
Official Title
on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



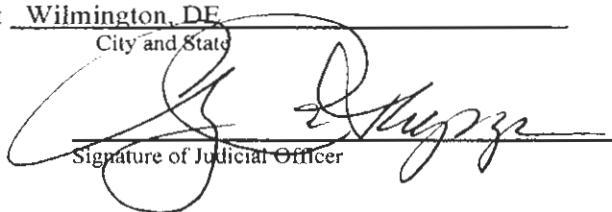
Signature of Complainant
Brian Christin
Special Agent
Diplomatic Security Service
U.S. Department of State

Sworn to before me and subscribed in my presence,

May 12, 2005
Date

at Wilmington, DE
City and State

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer



Signature of Judicial Officer



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

1. I, Brian Christin, being duly sworn, depose and state as follows:

I am a Special Agent with the United States Department of State, Diplomatic Security Service (DSS) assigned to the Washington Field Office, Dunn Loring, Virginia. I am responsible for investigating federal crimes, to include violations relating to United States Passports and Visas. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigation Training Program, and have received specialized training from the Diplomatic Security Training Center in the investigation of passport and visa fraud. I have approximately ten (10) months of experience investigating cases involving passport fraud.

2. During the performance of my duties, I have obtained evidence and information, and have been provided evidence and information by other law enforcement officials showing that on or about May 21, 2004, in the District of Delaware, JOHN DOE, a.k.a AMILCAR ALMODOVAR COLMENERO, willfully and knowingly made false statements in an application for a United States Passport by representing himself to be Amilcar ALMODOVAR COLMENERO, born on 1977 in Rio Piedras, Puerto Rico, with a social security number of 5911, knowing said statements to be false, with the intent to secure issuance of a United States Passport for his own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, in violation of Title 18, United States Code, Section 1542.

PROBALE CAUSE

3. Because this affidavit is solely for the purpose of establishing probable cause, not all facts known to me in this investigation are set forth herein.

4. On May 21, 2004, John DOE (hereafter referred to as SUBJECT), posing as Amilcar ALMODOVAR COLMENERO, submitted an application for a U.S. Passport at the US Post Office-Newark Station, Newark, Delaware, 19805. On the application, SUBJECT stated that his name was Amilcar ALMODOVAR COLMENERO. SUBJECT listed his date of birth as , 1977, his place of birth as Puerto Rico, his social security number as 5911, and he listed his current residence

address as , Wilmington, DE 19805. As proof of identity, SUBJECT provided a Delaware issued Identification Card # in the name of Amilcar ALMODOVAR COLMENERO, as well as providing a photograph of himself for the passport. As proof of United States citizenship, SUBJECT provided a Puerto Rican Birth Certificate # D2174433 in the name of Amilcar ALMODOVAR COLMENERO, which listed his date of birth as , 1977, place of birth as Rio Piedras, Puerto Rico, mother's name of Maria Del C. Colmenero, and father's name as Angel Amilca Almodovar. SUBJECT signed the US Passport Application (# 096585006) and swore an oath to the veracity of the information and documents provided.

5. Because of certain fraud indicators on the passport application, including such items as foreign handwriting characteristics, newly issued identification documents, and a printed signature, the application was flagged for closer review and investigation.

6. Subsequent investigation by your affiant revealed that the individual known as Amilcar ALMODOVAR COLMENERO who submitted a passport application using that name, date of birth, place of birth, and social security number is not the true Amilcar ALMODOVAR COLMENERO. The true Amilcar ALMODOVAR COLMENERO currently lives in Guanica, Puerto Rico.

7. Your affiant received a copy of Delaware Driver's License in the name of Amilcar ALMODOVAR COLMENERO, listing date of birth as 1977 and address as New Castle, DE 19720. Physical characteristics in the Delaware Drivers License photograph, in the name of Amilcar ALMODOVAR COLMENERO, are consistent with the physical characteristics in SUBJECT'S photograph in the Application for U.S. Passport #096585006, dated May 21, 2004, in the name of Amilcar ALMODOVAR COLMENERO.

8. Your affiant interviewed Mr. Carlton NEMBHARD, the US Passport Acceptance clerk at the US Post Office, Newark, Delaware. NEMBHARD was shown a photograph of the SUBJECT from the US Passport Application, and he identified SUBJECT as the person who completed the US Passport Application (#096585006) on May 21, 2004, who swore to the veracity of the information and documents presented, and who signed the application in his presence.

9. Your affiant confirmed with the Demographic Registry of Puerto Rico that the birth certificate (# D2174433), presented by SUBJECT as proof of birth, is a true birth certificate and which lists accurate information and that no death certificate exists.

10. Social Security Administration confirmed that a total of 6 cards have been issued for the SSN used on the DSP-11. The most recent card had the following contact information listed on the application: , New York, NY 10009,

11. Your affiant phoned Omyra MALAVE at . Your affiant asked MALAVE if she knew Amilcar ALMODOVAR. MALAVE said ALMODOVAR is her half brother. MALAVE said she and ALMODOVAR share the same mother, Maria COLMENERO. MALAVE said that her brother, ALMODOVAR, lives in Puerto Rico with his other sister, Guilmaria 17, and his mother. MALAVE gave RA the phone number where ALMODOVAR is currently living

12. Your affiant called the phone number provided by MALAVE and spoke to a person identifying himself as Amilcar ALMODOVAR. The person on the phone said his birthday is 1977 and that the last four digits of his SSN are 6911. He also said that his mother's name is Maria COLMENERO. All this information is consistent with the information listed on the valid PR birth certificate for ALMODOVAR. The man also claimed that he attended Bushwick High School in New York City. Enrollment records from Bushwick High School confirm this. The man identifying himself as Amilcar ALMODOVAR said he has never been to Delaware and does not know anyone that lives in Delaware. The man gave his current address as:

Urb. María Antonia
Guanica PR

11 On 4 February 2005, Special Agent (SA) TREMANN of the San Juan Resident Office drove to , Urbanización María Antonia, Guánica, PR 00653. SA TREMANN interviewed María Del Carmen COLMENERO CASTRO, who provided PR Electoral ID number 2820319 listing her date of birth as / 1959. COLMENERO stated that she was the mother of Amilcar ALMODOVAR COLMENERO. SA TREMANN showed COLMENERO and her daughter, Guilmarie Malavé ALMODOVAR COLMENERO, a photo of SUBJECT. Both COLMENERO and Guilmarie MALAVE recognized the SUBJECT to be a friend of the true Amilcar ALMODOVAR, but could not positively recall SUBJECT'S name. COLMENERO and Guilmarie MALAVE signed sworn statements attesting that the individual who appears in the photograph on U.S. Passport Application #096585006 is not their son or brother and is not the true Amilcar ALMODOVAR COLMENERO. COLMENERO provided SA TREMANN with two recent photographs of the true Amilcar ALMODOVAR

COLMENERO. The photos do not bear a resemblance to the person depicted on the passport application.

12. On 05/05/2005 your affiant interviewed Katherine GONZALEZ. GONZALEZ resides at Wilmington, DE, which is listed as the permanent address on passport application #096585006. GONZALEZ identified a photo of SUBJECT as being the man she knows as "Frankely". GONZALEZ said she believes that "Frankely" is a nickname and said she does not know SUBJECT'S true name. GONZALEZ stated that on or about 05/21/2004 she went to the Newark Post Office willingly with the man she knows as "Frankely". GONZALEZ filled out the passport application for Frankely. When shown a copy of the application GONZALEZ recognized her own handwriting. According to GONZALEZ, Frankely did not want to use his own address on the DSP-11 and asked if GONZALEZ would put her address down instead. GONZALEZ agreed even though Frankely is not, nor ever has been a resident at . GONZALEZ also admitted that she lied to the Passport Acceptance Agent when she told him that Frankely and her were engaged. GONZALEZ also admitted that she translated the oath to Frankely when he swore to the veracity of the statements in the DSP-11. GONZALEZ admitted that she knew that some of the information on the DSP-11 was not true when she was filling it out.

WHEREFORE, based on the aforementioned information, your affiant believes that there is probable cause that the subject JOHN DOE, posing as Amilcar ALMODOVAR COLMENERO, willfully and knowingly made false statements in a passport application with the intent to induce the issuance of a passport for himself, even though he was not a United States Citizen, in violation of Title 18, United States Code, Section 1542, to wit, by representing himself to be Amilcar ALMODOVAR COLMENERO, born on April 14, 1977 in Puerto Rico when, in fact, he is John DOE, knowing said statements and documentation to be false, with the intent to secure the issuance of a passport contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws under the authority of the United States.

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Your affiant respectfully requests that this Court issue a criminal complaint charging the subject, JOHN DOE, a/k/a Amilcar ALMODOVAR COLMENERO, with violating 18 U.S.C. §1542, and issue a warrant for his arrest based on the same.

Your affiant, having signed this Affidavit under oath as to all assertions and allegations contained herein, states that its contents are true and correct to the best of his knowledge, information, and belief.



Brian Christin
Special Agent
U.S. Department of State
Diplomatic Security Service

Sworn to and subscribed before me

this 12 day of May, 2005.



THE HONORABLE MARY PAT THYNGE
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF DELAWARE